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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/075,888

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Barry P. Falvo

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07/15/2009

Motorola, Inc.

Law Department

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EXAMINER

PENG, FRED H

ART UNIT

PAPER NUMBER

2426

NOTIFICATION DATE

DELIVERY MODE

07/15/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

Office Action Summary	Application No. 10/075,888	Applicant(s) FALVO ET AL.	
	Examiner FRED PENG	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/11/2009 has been entered.

DETAILED ACTION

2. Claims 1-25 are pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ullman et al (US 6,018,768).

Regarding Claim 1, Ullman discloses a set-top box (STB) with a television and an auxiliary display device, with a method of changing program channels comprising: (a) the STB (FIG.1, 12) transmitting current tuned channel information to the auxiliary display device (16; extracted URL information, tuned program related information such as time stamp etc); (b) the auxiliary display device determining a particular URL associated with the current tuned channel information utilizing the current tuned channel information provided by the STB (by receiving extracted URL related information from the URL decoder 12, local person computer 16 is able to recognize a URL and launch a website access based on the received program related information such as time stamp; thus reads on determining a particular URL associated with the current tuned

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channel information utilizing the current tuned channel information provided by the STB); and (c) the auxiliary display device presenting the web content associated with the URL associated with the current tuned channel on the display of the auxiliary display device (Col 9 lines 4-20).

Regarding Claim 2, Ullman further discloses the auxiliary display device presenting a hyperlink on the display, the hyperlink providing access to program channel data associated with a new tuned channel; and activating the hyperlink to change the current tuned channel to the new tuned channel (Col 9 lines 20-23).

Regarding Claim 3, Ullman further discloses correlating the program channel data to a virtual channel map (VCM) stored in the STB (Col 3 lines 52-55; Col 6 lines 44-48).

Regarding Claim 4, Ullman further discloses that a web browser residing in the auxiliary display device using the URL to access a web site, the web site providing the web content to be presented on the display of the auxiliary display device (Col 3 lines 32-38).

Regarding Claim 5, Ullman further discloses step (a) is implemented in response to a user changing the current tuned channel (Col 5 lines 62-67; Col 6 lines 1-4).

Regarding Claim 6, Ullman further discloses from Claim 1 that step (a) is implemented in response to a user playing back a previously recorded program viewed on the television, the recorded program including program channel data (Col 10 lines 45-48).

Regarding Claim 7, Ullman discloses a STB in communication with a remote server, a television and an auxiliary display device, with a method of changing program channels comprising: (a) receiving, at the STB, a virtual channel map (VCM) (Link File) from the remote server, the VCM including URL information associated with at least one program channel (Col 3

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lines 44-59); (b) the STB transmitting the VCM to the auxiliary display device (local URL decoder 12 inherently sending Link File containing URL information to the person computer 16 for processing in order to access the corresponding website); (c) storing the VCM in the auxiliary display device (person computer 16 then stores Link File containing URL information for processing); (d) the STB transmitting current tuned channel information to the auxiliary display device (broadcast Link File); (e) the auxiliary display device correlating the current tuned channel information to a particular URL contained in the VCM utilizing the current tuned channel information provided by the STB (Col 6 lines 44-48; such as time of the program); and (f) The auxiliary display device presenting web content associated with the particular URL associated with the current tuned channel on the display of the auxiliary display (Col 3 lines 44-59; Col 6 lines 44-48).

Regarding Claim 8, Ullman further discloses (g) the auxiliary display device presenting a hyperlink on the display of the auxiliary display device, the hyperlink providing access to program channel data associated with a new tuned channel; and (h) activating the hyperlink to change the current tuned channel to the new tuned channel (Col 9 lines 20-23).

Regarding Claim 9, Ullman further discloses the program channel data is correlated to a VCM stored in the STB, and the STB changes the current tuned channel to the new tuned channel (Col 3 lines 52-55).

Regarding Claim 10, Ullman further discloses step (e) comprising a web browser residing in the auxiliary display device using the particular URL to access a web site, the web site providing the web content to be presented on the display of the auxiliary display device (Col 3 lines 32-38).

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Regarding Claim 11, Ullman further discloses step (d) is implemented in response to a user changing the current tuned channel (Col 3 lines 44-55).

Regarding Claim 12, Ullman further discloses step (d) is implemented in response to a user playing back a previously recorded program viewed on the television, the recorded program including program channel data (Col 10 lines 45-49).

Regarding Claim 13, Ullman further discloses the STB transmits the current channel information to the auxiliary display device via the remote server (Col 4 lines 19-23).

Regarding Claim 14, the system claim limitations has been discussed with regards to the method claims of Claim 1.

Regarding Claim 15, Ullman further discloses (c) a wireless communication bridge, wherein the STB transmits the current tuned channel information to the auxiliary display device via the wireless communication bridge (FIGs. 1, 2 and 5).

Regarding Claim 16, Ullman further discloses the auxiliary display device presents a hyperlink on the display of the auxiliary display device, the hyperlink providing access to program channel data associated with a new tuned channel when activated (Col 9 lines 20-23).

Regarding Claim 17, Ullman further discloses the STB includes a virtual channel map (VCM), and the program channel data is correlated to the VCM (Col 3 lines 52-55; Col 6 lines 44-48).

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Regarding Claim 18, Ullman further discloses the auxiliary display device further comprises a web browser used to access a web site based on the particular URL, the web site providing data to be presented on the display of the auxiliary display device (Col 3 lines 32-38).

Regarding Claim 19, Ullman further discloses the STB transmits current tuned channel information to the auxiliary display device in response to a user changing the current tuned channel (Col 5 lines 62-67; Col 6 lines 1-4).

Regarding Claim 20, Ullman further discloses the communications system is a cable television (CATV) system (FIG. 5; Col 4 lines 50-53).

Regarding Claim 21, the system claim limitations has been discussed with regards to the method claims of Claim 7.

Regarding Claim 22, Ullman further discloses (d) a cable modem in communication with the remote server; and (e) a wireless communication bridge, wherein the STB transmits the current tuned channel information to the auxiliary display device via the remote server, the cable modem and the wireless communication bridge (Col 9 lines 63-67; the digital cable box 140 can make a wireless connection with the display unit).

Regarding Claim 23, Ullman further discloses the STB transmits current tuned channel information to the auxiliary display device in response to a user changing the current program channel (Col 3 lines 44-55).

Regarding Claim 24, Ullman further discloses the remote server is a cable head-end operated by a multiple system cable operator (MSO), the cable head-end comprising: (i) reverse data channel (RDC) equipment; (ii) a network control system (NCS); and (iii) a cable modem

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termination system (CMTS) (FIG. 5 is a diagram of another preferred embodiment including a digital cable box. FIG. 5 shows a digital back channel connecting from the digital cable box to content creation 4 which inherently is the cable head-end operated by a multiple system cable operator (MSO). The ordinary person in the art knows the digital cable head-end inherently includes (i) reverse data channel (RDC) equipment; (ii) a network control system (NCS); and (iii) a cable modem termination system (CMTS)).

Regarding Claim 25, Ullman further discloses the communications system is a cable television (CATV) system (FIG. 5 is a diagram of another preferred embodiment including a digital cable box).

Response to Arguments

5. Applicant's arguments filed 05/11/2009 have been fully considered but they are not persuasive.

In reference to Applicant's arguments

(a) Further, in the Advisory Action dated January 28, 2009 it is asserted that Ullman inherently "includes channel information associated with a given program in order to correlate the URL to a specific program". This conclusion is wholly in error, as there is simply no basis to support this conclusion. As Ullman makes clear, the URL it provides to the auxiliary device are associated with the time of broadcast for a particular program. Thus, channel information is not necessarily "inherently" provided. It is clear that the time and name of the program would be sufficient, and therefore channel information need not be provided.

Examiner's response

(a) The Examiner respectfully disagrees with Applicant's arguments. As the definition for channel information is so broad that the received URL information or the time and name of the program can be qualifies as channel information.

In reference to Applicant's arguments

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(b) In addition, as described further below, in each of the embodiments of Ullman, the URL to be displayed is provided to the auxiliary device. Thus, Ullman does not disclose or suggest any auxiliary device that determines a URL, much less one that determines a URL based on current tuned channel information as recited by the pending claims.

Examiner's response

(b) The Examiner also disagrees. The local person computer 16, the auxiliary device, is able to recognize a URL and launch a website access based on the received program related information such as time stamp from the URL decoder 12 suggests a process of determining a particular URL associated with the current tuned channel information is made.

In reference to Applicant's arguments

(c) As noted by Ullman, a Link file is provided to the user via the Internet and the file contains the time codes, URL addresses and titles of the various programs for each Webpage the broadcaster wishes to associate with a given program. So once again, the auxiliary device receives the URL directly from a source and does not disclose determining anything based on the received current tuned channel information.

Examiner's response

(c) The Examiner already addressed similar arguments as in section (b).

In reference to Applicant's arguments

(d) Applicant requests that any future rejections clearly articulate how the Examiner has applied the reference to each claim feature by referring specifically to those portions of the cited references thought to read on the claims.

Examiner's response

(d) The Examiner will address these concerns.

Conclusion

6. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

- Marics, US 6,862,611

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- Fang, US 6,816,201
- Enomoto, US 6,367,080
- Lortz, US 6,349,410
- Wu, US 6,326,982

7. Claims 1-25 are rejected.

Correspondence Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fhp

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

July 11, 2009